

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

WP(C).No. 28779 of 2004(A)

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PETITIONER:

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SALINI. B.L., KRISHNAVILASAM  
PULIMATH P.O., KILIMANOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

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1. UNIVERSITY OF KERALA, REPRESENTED BY  
THE REGISTRAR, KERALA UNIVERSITY OFFICE,  
THIRUVANANTHAPURAM.
2. UNIVERSITY GRANTS COMMISSION  
REP. BY ITS CHAIRMAN, UNIVERSITY GRANTS  
COMMISSION, NEW DELHI.
3. ALLAMA IQBAL INSTITUTE OF MANAGEMENT,  
REPRESENTED BY ITS DIRECTOR, DAIVAPPURA P.O.,  
PERINGAMALA, THIRUVANANTHAPURAM.
4. STATE OF KERALA, REPRESENTED BY THE  
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM.
5. MAKHANLAL CHATURVEDI RASHTRIYA  
PATRAKARITA VISHWAVIDYALAYA, BHOPAL  
REPRESENTED BY ITS REGISTRAR.

BY ADV. SRI.M.K.CHANDRAMOHAN DAS,SC,KERALA UTY.  
SRI.S.GOPAKUMARAN NAIR, SC KERALA UTY.  
SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 23/11/2006, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

## APPENDIX

### PETITIONER'S EXHIBITS:

- P1 MEMO OF R1 DT 8.9.04.
- P2 OFFICE MEMORANDUM OF UGC IN THE MONTH OF NOVEMBER 1992
- P3 LETTER DT 16.5.00
- P4 LETTER DT 20.5.96
- P5 LETTER DT 29.7.99.
- P6 ORDER DT 14.3.85.
- P7 ORDER DT 17.7.65.
- P8 RELEVANT PAGES OF THE HAND BOOK OF INFORMATION ISSUED BY THE UNIVERSITY OF KERALA.
- P9 LETTER DT 19.5.04.

TRUE COPY

P.A. TO JUDGE

**C.N. RAMACHANDRAN NAIR, J.**

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**W.P. (C) No. 28779 OF 2004 A**  
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**Dated this the 23<sup>rd</sup> day of November, 2006**

**J U D G M E N T**

Petitioner took BCA degree from the 5<sup>th</sup> respondent University, after undergoing private study under the Distance Education Scheme of that University. After taking the degree, petitioner was given admission for a MBA course in the 3<sup>rd</sup> respondent, which is affiliated to the Kerala University. However, the University refused to recognise petitioner's degree as sufficient to join for MBA course in the college affiliated to it. It is against the decision of the University communicated vide Ext.P1, petitioner has filed this writ petition.

2. The contention of the petitioner is that the 5<sup>th</sup> respondent University is recognised by the Kerala University and, therefore, all degrees awarded by it should be treated as equivalent degrees awarded by the Kerala University. Counsel for the Kerala University produced the University Regulations, which provide eligibility for recognition of degrees. Chapter IV of the Regulations framed under section 38 of the Kerala University Act pertaining to recognition of degrees is as follows:

“That, in Chapter IV - Norms for Granting Recognition/ Equivalence to Examinations, Degrees, etc., of Universities or Bodies of Foreign countries - of Regulations relating to Recognition of Examinations

and Degrees of other Universities, the following be added as clause V, after clause IV.

V. Norms for recognition of Degrees and Examinations of other Universities.

I. All Degrees/ Examinations taken after regular course of study awarded by Statutory Universities/Institutions be recognised as equivalent to the corresponding Degrees/Examinations of the Kerala university provided:

a. that the qualifying examinations and duration of the course are the same.

b. that such institutions are recognised by the UGC and are members of the Association of Indian Universities.”

From the above, it is clear that what is required to be recognised is not the University as such but the degrees of a University. The main condition for recognition of a degree awarded by another University is that it is obtained after undergoing a regular course study for a duration similar to the one provided for the same course in the Kerala University. Similarly, the qualifying examinations also should be of the type similar to the one provided under the Kerala University Regulations. Since the petitioner did not undergo a regular course of study in BCA but was only a private student under the Distance Education Scheme of the 5<sup>th</sup> respondent, the petitioner's degree is not eligible for recognition by the Kerala University in terms of the above regulation. When this fundamental condition is not satisfied by the petitioner, there is no need to go to the other eligibility criteria. Since the petitioner was admitted by the 3<sup>rd</sup> respondent college without being satisfied about the required qualification, the 3<sup>rd</sup> respondent is bound to refund the entire fees and other payments received from the petitioner. There will be a direction to

the 3<sup>rd</sup> respondent to refund the collected fees and other deposits received from the petitioner, within a period of two weeks from the date of production of a copy of this judgment. Writ petition is dismissed as against the University but with the above direction to 3<sup>rd</sup> respondent.

Sd/-

**(C.N. RAMACHANDRAN NAIR, JUDGE)**

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